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10/058,732	01/30/2002	Hirohisa Imai	2002_0110A	5690

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WASHINGTON, DC 20006-1021

EXAMINER
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TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
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3626

MAIL DATE	DELIVERY MODE
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11/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/058,732	<b>Applicant(s)</b> IMAI ET AL.	
	<b>Examiner</b> Mike Tomaszewski	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-15 and 17-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-15 and 17-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Notice To Applicant***

1. This communication is in response to the amendment filed on 8/3/07 and the supplemental amendment filed on 8/30/07. Claims 2 and 16 have been cancelled and claims 27 and 28 are newly added. Claims 1, 3, 15 and 17 have been amended. Claims 1, 3-15 and 17-28 are pending.

***Claim Rejections - 35 USC § 112***

2. Based on the amendments and support provided by Applicant, the 35 U.S.C. § 112, first paragraph rejections of claims 1-26 are hereby withdrawn.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 7-13, 15, 17-19 and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Clarkson* (US 2003/0046305; hereinafter *Clarkson*), in view of

*Blasingame et al.* (US 2002/0022975; hereinafter *Blasingame*), in view of *Joao* (6,283,761; hereinafter *Joao*), and *Brown* (6,101,478; hereinafter *Brown*).

(A) As per currently amended claim 1, *Clarkson* discloses a communication system for providing information of medical doctor's questions to patients, said communication system comprising:

- (1) a medical doctor terminal apparatus (*Clarkson*: abstract; ¶ [0050]; Fig. 2);
- (2) a patient terminal apparatus (*Clarkson*: ¶ [0050]; Fig. 2);
- (3) a database server apparatus for storing question sets for the medical doctor's questions to patients, said medical doctor terminal apparatus, said patient terminal apparatus and said database server apparatus are connected to each other through a communication network (*Clarkson*: abstract; ¶¶ [0050], par. [0023], [0027]; Fig. 2);
- (4) wherein said patient terminal apparatus comprises:
  - (a) first interface means for establishing a network connection and data communication between the database server apparatus and said patient terminal apparatus via the communication network (*Clarkson*: Fig. 2);
  - (b) displaying means for displaying questions for the medical doctor's questions to patients by executing of the question programs

- generated by said generating means (*Clarkson*: abstract; ¶¶ [0073], [0079]; Fig. 1-2);
- (c) entering means for entering answer data to the displayed questions (*Clarkson*: abstract; ¶¶ [0050], [0023], [0027]; Fig. 1-2); and
- (d) transmitting means for transmitting the entered answer data to said database server apparatus, and storing the transmitted answer data in said database server apparatus (*Clarkson*: abstract; ¶¶ [0050], [0023], [0027]; Fig. 1-2); and
- (5) wherein said medical doctor terminal apparatus comprises second receiving means for receiving the answer data stored in said database server apparatus by accessing said database server apparatus, and displaying the received answer data (*Clarkson*: abstract; par. [0050], par. [0023], [0027]; Fig. 1-2).

*Clarkson*, however, fails to *expressly* disclose a communication a communication system for information of medical doctor's questions to patients, said communication system comprising:

- (e) first receiving means for receiving at least one question set from said database server apparatus, each question set being dependent on a particular patient among a plurality of patients;

- (f) template storing means for storing template question programs which correspond to predetermined answer forms and are not dependent on a particular patient; and
- (g) generating means for generating question programs, which are dependent on a particular patient among a plurality of patients, by inserting question sets received from said database server apparatus into the template question programs;
- (h) second interface means for terminating the network connection and data communication between the database server apparatus and said patient terminal apparatus;
- (6) wherein the patient dependent question programs are not transmitted through the communication network.

Nevertheless, these features are old and well known in the art, as evidenced by *Blasingame, Joao and Brown*. In particular, *Blasingame, Joao and Brown* disclose a communication system for providing information of medical doctor's questions to patients, said communication system comprising:

- (e) first receiving means for receiving at least one question set from said database server apparatus, each question set being dependent on a particular patient among a plurality of patients (*Blasingame*: abstract; ¶ [0114]);

- (f) template storing means for storing template question programs which correspond to predetermined answer forms and are not dependent on a particular patient (*Blasingame*: abstract; ¶ [0009]);
- (g) generating means for generating question programs, which are dependent on a particular patient among a plurality of patients, by inserting question sets received from said database server apparatus into the template question programs (*Brown*: col. 3, lines 33-51);
- (h) second interface means for terminating the network connection and data communication between the database server apparatus and said patient terminal apparatus (*Joao*: col. 13, line 38-col. 15, line 47; Fig. 1);
- (6) wherein the patient dependent question programs are not transmitted through the communication network (*Brown*: col. 3, lines 33-51).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Blasingame* with the combined teachings of *Clarkson*, *Joao* and *Brown* with the motivation of providing a means for customizing interactive doctor-patient consultations (*Blasingame*: abstract).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Joao* with the combined teachings of *Clarkson*, *Blasingame*

and *Brown* with the motivation of processing healthcare-related information (Joao: col. 7, lines 61-65).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Brown* with the combined teachings of *Clarkson*, *Blasingame* and *Joao* with the motivation of processing health-care related information (Brown: col. 2, line 60-col. 3, line 16).

(B) As per original claim 3, *Clarkson* discloses the system as claimed in claim 27, wherein the answer forms include at least one of:

- (1) a first answer form for answering by selecting at least one among a plurality of selection sentences of answers as an answer to a question (*Clarkson*: abstract; ¶¶ [0013] – [0018], [0050]; Fig. 1-2); and
- (2) a second answer form for answering by using a numerical value as an answer to the question (*Clarkson*: abstract; ¶¶ [0013] – [0018], [0050]; Fig. 1-2).

(C) As per previously presented claim 4, *Clarkson* discloses the system as claimed in claim 1, wherein each of the question sets includes data indicative of an answer form, and a question sentence (*Clarkson*: abstract; ¶¶ [0013] – [0018], [0050]; Fig. 1-2).



(D) As per original claim 5, *Clarkson* discloses the system as claimed in claim 4, wherein each of the question sets further includes at least one selection sentence (*Clarkson*: abstract; ¶¶ [0013] – [0018], [0050]; Fig. 1-2).

(E) As per currently amended claim 7, *Clarkson* discloses the system as claimed in claim 1, wherein said terminal apparatus for patient further comprises:

- (1) answer data storing means for storing entered past answer data (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2); and
- (2) said displaying means displays stored past answer data stored in said answer data storing means in conjunction with a question (*Clarkson*: abstract; ¶¶ [0099] – [0100]; Fig. 1-2).

(F) As per original claim 8, *Clarkson* discloses the system as claimed in claim 3, wherein the second answer form includes at least one of:

- (1) a third answer form for answering by directly entering a numerical value as an answer to the question (*Clarkson*: abstract; ¶¶ [0013] – [0018], [0050], [0073] – [0078]; Fig. 1-2); and
- (2) a fourth answer form for answering by entering a numerical value indicative of an answer with either one of increasing and decreasing a

numerical value starting at an initial value, as an answer to the question

(*Clarkson*: abstract; ¶¶ [0013] – [0018], [0050], [0073] – [0078]; Fig. 1-2).

(G) As per currently amended claim 9, *Clarkson* discloses the system as claimed in claim 8, wherein:

(1) said patient terminal apparatus further comprises answer data storing means for storing the entered past answer data (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2); and

(2) the initial value of the numerical value is a numerical value indicative of a previous answer of the particular patient included in the past answer data stored in said answer data storing means (*Clarkson*: abstract; ¶¶ [0099] – [0100]; Fig. 1-2).

(H) As per original claim 10, *Clarkson* discloses the system as claimed in claim 5, wherein said generating means comprises changing means for changing a display layout of the at least one selection sentence according to at least one a number of selection sentences and a length of each selection sentence (*Clarkson*: abstract; ¶¶ [0020], [0050]; Fig. 1-2).

(I) As per previously presented claim 11, *Clarkson* discloses the system as claimed in claim 1, wherein said medical doctor terminal apparatus further comprises:

- (1) transmitting and storing means for entering a remedy policy for a patient, transmitting the entered remedy policy to said database server apparatus, and storing the transmitted remedy policy in said database server apparatus (*Clarkson*: abstract; ¶¶ [0050], [0023], [0027], [0054] – [0056], [0099]; Fig. 1-2); and
  - (2) third receiving means for receiving the stored remedy policy for the patient by accessing said database server apparatus, and displaying the received remedy policy (*Clarkson*: abstract; ¶¶ [0050], [0023], [0027], [0054] – [0056], [0099]; Fig. 1-2).
- (J) As per previously presented claim 12, *Clarkson* discloses the system as claimed in claim 11, wherein said medical doctor terminal apparatus further comprises:
- (1) link controlling means for controlling said third receiving means in accordance with a command from an operator so that said third receiving means receives the stored remedy policy for the patient by accessing said database server apparatus and displays the received remedy policy, when said second receiving means receives the answer data and displays the received data (*Clarkson*: abstract; ¶¶ [0050], [0023], [0027], [0054] – [0056], [0099]; Fig. 1-2).

(K) As per previously presented claim 13, *Clarkson* discloses the system as claimed in claim 1, wherein said database server apparatus comprises:

- (1) first storing means for storing information about each respective patient (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2);
- (2) second storing means for storing questions for medical doctor's questions for each respective question (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2);
- (3) third storing means for storing information about linking between the respective patients and respective questions (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2); and
- (4) fourth storing means for storing answer data from said patient terminal apparatus (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2).

(L) Claims 15, 17-19 and 21-26 substantially repeat the same limitations as those of claims 1-5 and 7-13 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

(M) As per currently amended claim 25, *Clarkson* discloses a medical doctor terminal for use in a communication system for providing information era medical doctor's questions to patients, said communication system comprising:

- (1) said medical doctor terminal apparatus (*Clarkson*: abstract; ¶ [0050]; Fig. 2);
- (2) a patient terminal apparatus (*Clarkson*: ¶ [0050]; Fig. 2); and
- (3) a database server apparatus for storing question sets for the medical doctors questions to patients, said medical doctor terminal apparatus, the patient terminal apparatus and the database Server apparatus being connected to each other through a communication network (*Clarkson*: abstract; ¶¶ [0050], par. [0023], [0027]; Fig. 2); and
- (4) said medical doctor terminal apparatus (*Clarkson*: abstract; ¶ [0050]; Fig. 2).

*Clarkson*, however, fails to expressly disclose a medical doctor terminal for use in a communication system for providing information era medical doctor's questions to patients, said communication system comprising:

- (4) said medical doctor terminal apparatus comprising:
  - (a) first receiving means for receiving answer data stored in the database server apparatus by the patient terminal apparatus, by accessing the database server apparatus, and displaying the received answer data;
  - (b) transmitting and storing means for entering a remedy policy for a patient, transmitting the entered remedy policy to the database

server apparatus, and storing the transmitted remedy policy in the database server apparatus;

- (c) second receiving means for receiving the stored remedy policy which was entered previously for the patient, by accessing the database server apparatus, and displaying the received remedy policy which was entered previously; and
- (d) reviewing and entry means for reviewing the displayed answer data together with the displayed remedy policy which was entered previously for the patient, and additionally entering a new remedy policy for the patient with reference to the displayed answer data and the displayed remedy policy which was entered previously for the patient, the new remedy policy being one of an addition to and a substitute of the displayed remedy policy which was entered previously for the patient.

Nevertheless, these features are old and well known in the art, as evidenced by *Blasingame*. In particular, *Blasingame* discloses a medical doctor terminal for use in a communication system for providing information era medical doctor's questions to patients, said communication system comprising:

- (4) said medical doctor terminal apparatus comprising:

- (a) first receiving means for receiving answer data stored in the database server apparatus by the patient terminal apparatus, by accessing the database server apparatus, and displaying the received answer data (Blasingame: ¶ [0076]; Fig. 1);
- (b) transmitting and storing means for entering a remedy policy for a patient, transmitting the entered remedy policy to the database server apparatus, and storing the transmitted remedy policy in the database server apparatus (Blasingame: ¶ [0076]; Fig. 1);
- (c) second receiving means for receiving the stored remedy policy which was entered previously for the patient, by accessing the database server apparatus, and displaying the received remedy policy which was entered previously (Blasingame: ¶ [0076]; Fig. 1);  
and
- (d) reviewing and entry means for reviewing the displayed answer data together with the displayed remedy policy which was entered previously for the patient, and additionally entering a new remedy policy for the patient with reference to the displayed answer data and the displayed remedy policy which was entered previously for the patient, the new remedy policy being one of an addition to and a substitute of the displayed remedy policy which was entered previously for the patient (Blasingame: ¶ [0076]; Fig. 1).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Blasingame* with the combined teachings of *Clarkson* with the motivation of providing a means for customizing interactive doctor-patient consultations (*Blasingame*: abstract).

(N) As per new claim 27, *Clarkson* fails to disclose the system as claimed in claim 1,

- (1) wherein template storing means stores template question programs which correspond to predetermined answer forms and are not dependent on a particular patient; and
- (2) wherein the generating means generates question programs which are dependent on a particular patient among a plurality of patients, by inserting question sets received from said database server apparatus into the template question programs.

Nevertheless, these features are old and well known in the art, as evidenced by *Blasingame*, *Joao* and *Brown*. In particular, *Blasingame*, *Joao* and *Brown* disclose the system as claimed in claim 1,

- (1) wherein template storing means stores template question programs which correspond to predetermined answer forms and are not dependent on a particular patient (*Blasingame*: abstract; ¶ [0009]); and



- (2) wherein the generating means generates question programs which are dependent on a particular patient among a plurality of patients, by inserting question sets received from said database server apparatus into the template question programs (*Brown*: col. 3, lines 33-51).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Blasingame* with the combined teachings of *Clarkson*, *Joao* and *Brown* with the motivation of providing a means for customizing interactive doctor-patient consultations (*Blasingame*: abstract).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Joao* with the combined teachings of *Clarkson*, *Blasingame* and *Brown* with the motivation of processing healthcare-related information (*Joao*: col. 7, lines 61-65).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Brown* with the combined teachings of *Clarkson*, *Blasingame* and *Joao* with the motivation of processing health-care related information (*Brown*: col. 2, line 60-col. 3, line 16).

- (O) Claim 28 substantially repeats the same limitations as those of claims 27 and therefore, is rejected for the same reasons given for claim 27 and incorporated herein.

5. Claims 6, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Clarkson*, *Blasingame*, *Joao* and *Brown*, as applied above, and further in view of *Bair et al.* (6,108,665; hereinafter *Bair*).

(A) As per original claim 6, *Clarkson* fails to *expressly* disclose the system as claimed in claim 4, wherein each of the question sets further includes a goal answer entered by a medical doctor.

Nevertheless, these features are old and well known in the art, as evidenced by *Bair*. In particular, *Bair* discloses the system as claimed in claim 4, wherein each of the question sets further includes a goal answer entered by a medical doctor (*Bair*: abstract; Fig. 1-34).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Bair* with the combined teachings of *Clarkson* and *Blasingame* with the motivation of providing healthcare optimization (*Bair*: col. 2, lines 42-47).

(B) As per previously presented claim 14, *Clarkson* discloses the system as claimed in claim 13, wherein said third storing means further stores an answer entered by a medical doctor, in addition to the information about linking between the respective patients and respective questions (*Clarkson*: abstract; ¶¶ [0050], [0099]; Fig. 1-2).

*Clarkson*, however, fails to *expressly* disclose the system as claimed in claim 13, wherein said third storing means further stores a goal answer. Nevertheless, these features are old and well known in the art, as evidenced by *Bair*. In particular,

*Bair* discloses the system as claimed in claim 13, wherein said third storing means further stores a goal answer (*Bair*. abstract; Fig. 1-34).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of *Bair* with the combined teachings of *Clarkson* and *Blasingame* with the motivation of providing healthcare optimization (*Bair*. col. 2, lines 42-47).

(C) Claim 20 substantially repeats the same limitations as those of claim 6 and therefore, is rejected for the same reasons given for claim 6 and incorporated herein.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

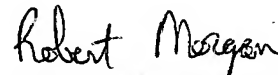
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